

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARY OWENS,) 8:14CV8

)

Plaintiff,)

)

v.)

**MEMORANDUM
AND ORDER**

WILLIAM ZASTERA, et al.,)

)

Defendants.)

This matter is before the court on Plaintiff's Motion to Voluntarily Dismiss. (Filing No. [5](#).) Pursuant to [Fed. R. Civ. P. 41](#), a plaintiff may dismiss an action by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, or by filing a stipulation of dismissal signed by all parties who have appeared. [Fed. R. Civ. P. 41\(a\)\(1\)](#). In addition, a court may grant a request for voluntary dismissal "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#).

Plaintiff filed his Complaint in this matter on January 13, 2014 (filing no. [1](#)), and his Motion to Voluntarily Dismiss on January 16, 2014 (filing no. [5](#)). In his Motion, Plaintiff asks the court to dismiss this matter because he "got his legal matters resolved in Sarpy County Court." (Filing No. [5](#).) Defendants have not yet been served with Plaintiff's Complaint. (See Docket Sheet.) In light of this, Plaintiff's Motion to Voluntarily Dismiss is granted in accordance with [Federal Rule of Civil Procedure 41\(a\)](#) and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Voluntarily Dismiss (filing no. [5](#)) is granted and this matter is dismissed without prejudice.

2. Plaintiff's Motion for Leave to Proceed in forma pauperis (filing no. [2](#)) is denied.

3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 27th day of January, 2014.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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